

Wendy Smith

From: Wendy Smith
Sent: Sunday, November 19, 2006 5:23 PM
To: jbutler@skadden.com
Cc: jlyons@skadden.com; rmeisler@skadden.com
Subject: Delphi-MMP Patent-Infringement

Dear Mr. Butler:

This firm represents the interests of Technology Properties, Ltd. ("TPL"), which filed claims in each of the Delphi cases for patent infringement. The estate objected to those claims as unliquidated.

Before we become involved in lengthy and expensive patent litigation, I suggest that we remove this matter from the present calendar in order to allow Delphi to continue its negotiations to obtain a license. Delphi and Alliacense, TPL's license agent, had been involved in such negotiations before the petitions were filed. I understand that the validity of TPL's claim is not at issue, and that the infringement is ongoing. Completing the negotiations now will allow Delphi to acknowledge that the problem is resolved when proposing its plan.

The patents involved consist of the Moore Microprocessor Patent Portfolio ("MMP"), and have already been licensed to Olympus, Seiko, Sony, Fujitsu, and Hewlett Packard, among others. The technology is widely used in microprocessors, embedded processors, and system-on-chip solutions, and is more fully described in the claims.

The Delphi objection was only delivered to me on Friday, November 17th, three business days before the response is due. As a practical matter, inundating you (and the court) with a great amount patent-related documents on the Wednesday before a four-day weekend will not serve any purpose. It would be far more effective to have those who specialize in this area discuss the substantive problem and reach a solution that addresses both past and ongoing technology use.

Please give me a call tomorrow, or send me an e-mail with a continued date by which a full response to the objection needs to be filed. In due course we may exchange the names of the people who will negotiate the license.

Thank you for your consideration,

Wendy W. Smith
Binder & Malter, LLP
2775 Park Ave.
Santa Clara, CA 95050

408-295-1700

--
No virus found in this incoming message.
Checked by AVG Free Edition.
Version: 7.1.409 / Virus Database: 268.14.11/543 - Release Date: 11/20/2006

MICHAEL W. MALTER
HEINZ BINDER
GAYLE ZICKGRAFF GREEN
ROBERT G. HARRIS
JULIEETTE ROME-BANKS
DAVID B. RAO
C. LAINE LUCAS
WENDY W. SMITH
ROYA SHAKOORI

NAN L. CORIBER
PARALEGAL.

BINDER & MALTER, LLP
ATTORNEYS AT LAW

2775 PARK AVENUE
SANTA CLARA, CA 95050

Please reply to:
P.O. Box 28461
San Jose, CA 95159-8461

TELEPHONE (408) 295-1700
FACSIMILE (408) 295-1531

December 19, 2006

via U.S. Mail and electronic mail
jbutler@skadden.com

Mr. John W. Butler
Skadden, Arps, Slate & Meagher
333 West Wacker Drive
Chicago, IL 60606

Re: Delphi/TPL Patent Infringement Claims

Dear Mr. Butler,

As you know, Binder & Malter, LLP represents the interests of Technology Properties, Ltd, ("TPL"), which has filed significant claims against the Delphi Companies for damages for patent infringement. The claims arise from Delphi's use of a series of patents created by Michael Moore and the TPL Group, and referred to as the Moore Microprocessor Patent portfolio, ("MMP portfolio"). These patents are described in detail in TPL's recent response to Delphi's objection.

We are writing to propose a mechanism to negotiate a licence to Delphi to use the MMP portfolio. This is the most efficient way to resolve TPL's pre-petition claim, as well as the claim for ongoing infringement. A license also avoids TPL having to seek an injunction against Delphi to prevent further use of the patents. We propose the following format for seeking a resolution:

1. In order for Delphi and TPL to be fully educated on the issues before the mediation, Delphi and TPL will exchange position papers one month before the mediation. This information will also be provided to the mediator.
2. All information exchanged, both before and during the mediation, will be confidential and the parties will execute a confidentiality agreement before the initial exchange.

Exhibit D-2

B. Butler
December 19, 2006
p.2

3. The parties will set two to three days for mediation. TPL would prefer the mediation be held in San Francisco, but will attend a mediation in Chicago if needed.
4. Both parties will be represented at the mediation by individuals who have the authority to make a final decision on the license. TPL assumes this will be the CEO of Delphi, or the officer in charge of patent and licensing for all Delphi companies. Ideally, an appropriate representative of creditor's committee would also attend. (I assume the committee has obtained an order limiting its disclosure obligations under Section 1102(b)(3) so that it may be bound by a confidentiality agreement for the mediation.)

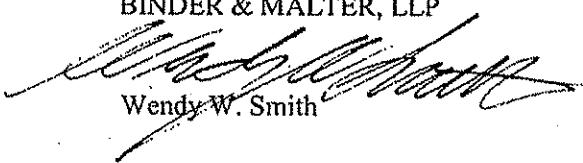
TPL suggests the following mediators: 1) Hon. Robert Faulkner (Ret.) JAMS mediator, intellectual property specialist; 2) Antonio C. Piazza, Gregorio, Haldeman Piazza, Rotman & Matityahu (west coast only), intellectual property dispute resolution; 3) James W. Knowles, Wilson, Sheehy, Knowles, Robertson & Cornelius, patent mediation. I have attached further information about these mediators.

TPL appreciates Delphi's need to resolve these claims and the ongoing infringement issues so that they do not interfere with the plan-confirmation process. TPL is willing to work with Delphi to meet these needs.

I look forward to hearing from you.

Sincerely,

BINDER & MALTER, LLP


Wendy W. Smith

cc: client
Roger Cook



THE RESOLUTION EXPERTS



Hon. Robert Faulkner (Ret.)

Intellectual Property Dispute Resolution Experience

A retired Magistrate Judge for the Eastern District of Texas, Judge Faulkner brings to JAMS over 35 years of distinguished service from the federal judiciary and private law practice. Judge Faulkner's reputation and ADR success have catapulted him into a national ADR practice. In addition to his very active practice in Dallas, he settled multiple patent cases involving large international companies in the Detroit area, as well as a copyright case in Los Angeles. The Judge has been successful in conducting cases in Chicago, Houston, Little Rock, and Silicon Valley. He has also worked with the parties to bring settlements in large oil and gas cases. Judge Faulkner has settled several major personal injury cases involving the death of the victim(s) with total recoveries of over \$20,000,000, and major personal injury cases in Dallas. Several clients have pointed out that the Judge never gives up on a case until it has settled.

"Mediation provides a mechanism for parties to participate in and exercise control over the satisfactory resolution of their conflicts."

Representative Matters

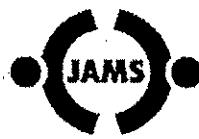
- Alleged infringement of patents relating to electrical connectors between two very large international high technology companies
- Copyright violations against New York designer firm
- Dispute between industry leader in product manufacturing and competitor over patent, trademark, and trade secrets
- Entertainment industry case involving copyright violation against Canadian corporation
- International patent infringement suit between two large suppliers of General Motors and Caterpillar
- International patent infringement suit by Michigan-based company against a Chinese company and a Taiwanese company
- Patent infringement and misappropriation of trade secrets concerning medical implant devices
- Patent Litigation Focus Group
- Trademark/trade name infringement case involving national company
- Trial Graphix – Mock Markman Hearing
- Two lawsuits; one involving patent infringement and the other, trademark violations

Honors, Memberships, and Professional Activities

- Member, Pulaski County Bar Association (President, 1985-1986)
- Magistrates' Advisory Committee to the Administrative Office of the United States Courts
- Advisory Committee to Implement Federal Magistrate Act
- Chairman, Standards for the Administration of Criminal Justice Committee, Arkansas Bar Association
- Delegate, House of Delegates, Arkansas Bar Association
- Committee on Legislative Organization (Appointed by Governor Bumpers)
- Project Director for the Governor, Constitutional Reform,
- President, Federal Magistrate Judges Association
- Instructor, Criminal Procedure, University of Arkansas at Little Rock, (seven semesters)

Background and Education

- Magistrate Judge, United States District Court, Eastern District of Texas, 1992-2003
- Attorney, Management Review, Administrative Office of United States Courts, Magistrate Judges Division, 1988-1992
- Candidate, United States Congress, 1985-1986
- Magistrate Judge, United States District Court, Arkansas Eastern District, 1973-1985
- Private law practice and Magistrate Judge (part-time), 1971-1973
- Executive Secretary (Chief of Staff), Governor Winthrop Rockefeller, 1969-1971
- Legislative Liaison, Governor's Office, 1968-1969
- Commissioner, Arkansas State Claims Commission, 1967-1969 (Chairman, 1969)
- Private law practice, 1966-1968
- LL.B., University of Arkansas School of Law, 1965
- B.A., (Distinguished Military Graduate), Quachita Baptist University, 1960



"Mediation provides a mechanism for parties to participate in and exercise control over the satisfactory resolution of their conflicts."

Hon. Robert Faulkner (Ret.), retired Magistrate Judge for the Eastern District of Texas, brings to JAMS over 35 years of distinguished service from the federal judiciary and private law practice. Judge Faulkner's reputation and ADR success have catapulted him into a national ADR practice. In addition to his very active practice in Dallas, he settled multiple patent cases involving large international companies in the Detroit area, as well as a copyright case in Los Angeles. The Judge has been successful in conducting cases in Chicago, Houston, Little Rock, and Silicon Valley. He has also worked with the parties to bring settlements in large oil and gas cases. Judge Faulkner has settled several major personal injury cases involving the death of the victim(s) with total recoveries of over \$20,000,000, and major personal injury cases in Dallas. Several clients have pointed out that the Judge never gives up on a case until it has settled.

ADR Experience and Qualifications

- Judge Faulkner has conducted over 500 trials, settlement conferences, and hearings on a wide range of issues including business and commercial litigation, ADA matters, healthcare, intellectual property, employment, personal injury, and product liability. Judge Faulkner's ability to create an environment that helps parties make reasonable decisions about their cases makes him a sought after mediator.

Representative Matters

- **Commercial/Business:** antitrust, breach of contract -- including a lawsuit against NASCAR, Speedway Motorsports Inc., and International Speedway Corp. where settling required nine mediation sessions in four different states; issues involved fraud, unfair competition, trade secrets, accounting disputes, and banking
- **Healthcare:** failure to diagnose, doctor's wrongful termination, failure to pay benefits, and failure to administer medication and/or over-medication
- **Employment:** gender, age, racial and religious discrimination; sexual harassment, and wrongful termination
- **Intellectual property:** misappropriation of trade secrets, patent infringement, breach of trademark agreement, and unfair competition
- **Personal injury:** wide variety of claims including product liability matters, automobile and boating accidents, and several major cases involving death of the victim(s) in a traffic accident, elevator accident, and oil derrick accident with total recoveries of over \$20,000,000

Honors, Memberships, and Professional Activities

- Member, Pulaski County Bar Association (President, 1985-1986)
- Magistrates' Advisory Committee to the Administrative Office of the United States Courts
- Advisory Committee to Implement Federal Magistrate Act
- Chairman, Standards for the Administration of Criminal Justice Committee, Arkansas Bar Association
- Delegate, House of Delegates, Arkansas Bar Association
- Committee on Legislative Organization (Appointed by Governor Bumpers)
- Project Director for the Governor, Constitutional Reform
- President, Federal Magistrate Judges Association
- Instructor, Criminal Procedure, University of Arkansas at Little Rock, (seven semesters)

Background and Education

- Magistrate Judge, United States District Court, Eastern District of Texas, 1992-2003
- Attorney, Management Review, Administrative Office of United States Courts, Magistrate Judges Division, 1988-1992
- Candidate, United States Congress, 1985-1985
- Magistrate Judge, United States District Court, Arkansas Eastern District, 1973-1985
- Private law practice and Magistrate Judge (part-time), 1971-1973
- Executive Secretary (Chief of Staff), Governor Winthrop Rockefeller, 1969-1971
- Legislative Liaison, Governor's Office, 1968-1969
- Commissioner, Arkansas State Claims Commission, 1967-1969 (Chairman, 1969)
- Private law practice, 1966-1968
- LL.B., University of Arkansas School of Law, 1965
- B.A., (Distinguished Military Graduate), Quachita Baptist University, 1960



General Fee Schedule

Hon. Robert Faulkner (Ret.)

PROFESSIONAL FEES

Full-Day Rate (Each day not to exceed ten (10) hours)

2 parties.....\$2,000 per day/per party*

3 or more parties.....Rate will be quoted*

* Intellectual Property Cases and Out-of-state Cases at \$2,500.

Half-Day Rate\$1,250 per party

NON-REFUNDABLE CASE MANAGEMENT FEE

Mediations

| Session Length | Fee |
|---|--------------------------|
| 1 -2 days (up to 20 hours of professional time) | \$150 per party |
| 3 days or more | 10% of professional fees |

Discovery, Court Reference and Contract Matters

| Session Length | Fee |
|---|--------------------------|
| 1 day or less (up to 10 hours of professional time) | \$300 per party |
| 2 days (up to 20 hours of professional time) | \$600 per party |
| 3 days (up to 30 hours of professional time) | \$900 per party |
| 4 days or more | 10% of professional fees |

Construction Matters

| Session Length | Fee |
|--|--------------------------|
| 1 day or less (up to 10 hours professional time) | \$150 per party |
| 2 days or more | 10% of professional fees |

Arbitrations:

See neutral's individual arbitration fee schedule.

- Professional fees include time spent for sessions, pre- and post-sessions reading and research time.
- The Case Management Fee includes access to an exclusive nationwide panel of judges, attorneys, and other ADR experts, dedicated services including all administration through the duration of the case, document handling, use of JAMS conference facilities including after hours, and on-site business support, including local phone service, Internet access, and fax and copying capabilities.
- The Case Management Fee is reassessed on cases that continue beyond originally scheduled professional time.

CANCELLATION/CONTINUANCE POLICY

| Session Length | Cancellation/Continuance Period | Fee |
|------------------------|--|---|
| 1 day or less | 7 days or more prior to session | 100% REFUNDABLE except for any time incurred |
| 2 days or more | 14 days or more prior to session | 100% REFUNDABLE except for any time incurred |
| Sessions of any length | Inside the cancellation/continuance period | 25% NON-REFUNDABLE |

- Unused session time is non-refundable.
- Session fees are non-refundable if time scheduled (or a portion thereof) is canceled or continued within the cancellation period unless the mediator's time can be rescheduled with another matter. The cancellation policy exists because time reserved and later canceled generally cannot be replaced. In all cases involving non-refundable time, the party causing the continuance or cancellation is responsible for the fees of all parties.
- A retainer for anticipated preparation and follow-up time will be billed to the parties. Any unused portion will be refunded.
- All fees are due and payable upon receipt of invoice and payment must be received in advance of session. JAMS reserves the right to cancel your session if fees are not paid by all parties by the applicable cancellation date and JAMS confirms the cancellation in writing.

JAMS agreement to render services is with the attorney, the party and/or other representatives of the party.

Wilson, Sheehy, Knowles, Robertson & Cornelius, A Professional Corporation, law firm in Tyler, Smith Co., Texas, U.S.A.



Find a Lawyer Research Legal Information Ask a Lawyer Contact Lawyers Community

Firm Profile for Wilson, Sheehy, Knowles, Robertson & Cornelius, A Professional Corporation

lawyers.comSM

Find a Lawyer

- [» Quick Search](#)
- [» Name Search](#)
- [» Advanced Search](#)
- [» Browse By Area of Law](#)
- [» Browse By Location](#)

Your access to and use of the information displayed on lawyers.com is subject to [Terms and Conditions](#).

[Email this listing](#)

[Print this listing](#)

Wilson, Sheehy, Knowles, Robertson & Cornelius, A Professional Corporation

Law Firm in Tyler, Texas



Location

909 ESE Loop
323, Suite 400
Tyler, Texas 75701
(Smith Co.)
Mailing Address: P.
O. Box 7339,
Tyler, TX, 75711-
7339

Contact Information

Phone: 903-509-5000
Fax: 903-509-5091
Email: [Contact Us](#)
URL: <http://www.wilsonlawfirm.com>

[View Map](#)

Request Info

(Main Office)

**Wilson, Sheehy, Knowles, Robertson & Cornelius,
A Professional Corporation practices in the following areas of
law:**

Wilson, Sheehy, Knowles, Robertson & Cornelius, A Professional Corporation, law firm in Tyler, Smith Co., Texas, U.S.A.

General Civil Practice, including administrative, alternative dispute resolution, appellate, banking and financial institutions, bankruptcy, business, commercial, construction, contracts, corporate, debtor and creditor, elder law, family law, finance, government, insurance, intellectual property litigation, labor and employment, litigation, mediation, mergers and acquisitions, natural resources - oil and gas, product liability, professional liability, real estate, taxation, transportation, trust and estates, white collar crime, wills and probate.

Firm Profile:

Wilson, Sheehy, Knowles, Robertson & Cornelius, A Professional Corporation, offers a broad range of legal services specializing in management representation in litigation and commercial transactions throughout the East Texas area.

Firm Size: 14

Representative Clients:

PATENT LITIGATION: AGFA; Burk Royalty Co.; ConocoPhillips; EnCana Oil & Gas; Gateway; Hewlett Packard; Kyosera; Microsoft; Mitsubishi; Nintendo; Sharp; Sony; Toshiba. LOCAL COUNSEL: Coca Cola; SM&P Utility Co.; OIL & GAS: 3-T Exploration, Inc.; Antero Resources, Ltd.; Spartan Operating Co.; XTO Energy, Inc.

GOVERNMENT ENTITIES: City of Overton; City of Troup; Tyler Junior College. BANKING: First Federal Bank of Texas; First Federal Savings & Loan Association of Tyler; First National Bank of Canton; First State Bank of Overton; Gilmer National Bank; Gladewater National Bank; Heritage Land Bank; Panola National Bank; Southside Bank; Texas National Bank; White Oak State Bank. CONSTRUCTION: C Construction; RPR Construction; Tyler Building Systems. REAL ESTATE: Boren-Scott Title Co.; First American Title Company; Landmark Title, Inc.; Smith County Title Company. INSURANCE:

American Equity. INSURANCE: American Equity Insurance Company; Atlantic Mutual Insurance Company; Crawford & Company; Crum & Forster; Employers General Insurance Company; Great West Casualty Company; Houston General Insurance Company; Nautilus Insurance Company; Titan Insurance Services, Inc.; Travelers Insurance Company; Zurich American Insurance Company.

William Sheehy (Partner) born Tyler, Texas, December 27, 1940; admitted to bar, 1964, Texas; U.S. District Court, Eastern District of Texas; U.S. Supreme Court. **Education:** University of Texas (B.B.A., 1962; LL.B., 1964). Phi Alpha Delta. **Member:** Smith County Bar Association; State Bar of Texas; Texas Association of Bank Counsel (Director, 1992-1994). Fellow, Texas Bar Foundation. **Practice Areas:** Banking; Bankruptcy; Corporate; Commercial; Construction Law. **Email:** William Sheehy

Wilson, Sheehy, Knowles, Robertson & Cornelius, A Professional Corporation, law firm in Tyler, Smith Co., Texas, U.S.A.

James W. Knowles (Partner) born Avenger, Texas, June 3, 1941; admitted to bar, 1966, Texas; U.S. Supreme Court; U.S. Court of Appeals, Fifth and Eleventh Circuits; U.S. District Court, Eastern District of Texas; U.S. Tax Court; Texas Supreme Court. **Education:** Southern Methodist University (B.B.A., 1963; J.D., 1966). Phi Delta Phi. Assistant U.S. Attorney, Eastern District of Texas and Criminal Prosecutor, 1970-1972. Certified Panel of Mediators, District Court, Eastern District of Texas. **Member:** Smith County and American Bar Associations; State Bar of Texas (Past Council Member, ADR Section; Past Council Member, Mineral Law Section); Association of Attorney-Mediators (Member, Board of Directors. Fellow, Texas Bar Foundation. **Practice Areas:** Litigation; Federal Criminal Defense; Administrative; General Business Law; Mediation Law. **Email:** James.W.Knowles

James S. Robertson, Jr. (Partner) born El Dorado, Arkansas, August 14, 1950; admitted to bar, 1975, Texas; U.S. District Court, Eastern and Northern Districts of Texas and U.S. Court of Appeals, Fifth Circuit. **Education:** University of Texas at Austin (B.A., 1972); University of Arkansas Fayetteville (J.D., 1975). Delta Theta Phi. Briefing Attorney for Court of Civil Appeals, 1975-1976. **Member:** State Bar of Texas (Chairman, Committee on Admissions, Board of Law Examiners, 1989-2003); Smith County and American Bar Associations. Fellow, Texas Bar Foundation. (Board Certified, Oil, Gas and Mineral Law, Texas Board of Legal Specialization). **Practice Areas:** Civil Litigation; Oil and Gas; Real Estate. **Email:** James.S.Robertson.Jr.

William Cornelius (Partner) born Marshall, Texas, January 27, 1951; admitted to bar, 1975, Texas; U.S. District Court, Northern, Southern and Eastern Districts of Texas; U.S. Court of Appeals, Fifth Circuit. **Education:** Baylor University (J.D., 1975). First Assistant U. S. Attorney, Eastern District of Texas, 1979-1985. **Member:** State Bar of Texas; Texas Association of Defense Counsel; Texas Bar Foundation; American Board of Trial Advocates. **Practice Areas:** Civil Litigation; Personal Injury; Products Liability; Premises Liability; Commercial Litigation. **Email:** William.Cornelius

James D. VanDeventer (Partner) born Wichita Falls, Texas, April 8, 1954; admitted to bar, 1980, Texas. **Education:** University of Texas at Austin (B.A., 1976); Southern Methodist University (J.D., 1980). **Member:** State Bar of Texas (Member, Sections on: Oil, Gas and Mineral Law; Real Estate, Probate and Trust); Smith County and American (Member, Natural Resources Law Section) Bar Associations. **Practice Areas:** Real Estate; Oil and Gas; Banking Law. **Email:** James.D.VanDeventer

Antonio C. Piazza

American College of Civil Trial Mediators®

- ▶ Home
- ▶ Information
- ▶ Member Directory
- ▶ News
- ▶ Awards
- ▶ Speakers Bureau / Seminars
- ▶ Video / Audio / Publications
- ▶ Regional/State Info & News
- ▶ New Member Application
- ▶ Search For Mediator
- ▶ 2007 Retreat and Conference
- ▶ Bermuda 2006
- ▶ Photos
- ▶ Contact

20 North Orange Avenue
Suite 600
Orlando, FL 32801
Phone: 407 843 8878
Fax: 407 425-7905

Antonio C. Piazza

Gregorio, Haldeman, Piazza, Rotman & Matityahu
201 Mission Street, Suite 1900
Suite 2110
San Francisco, CA 94105

Phone: 415/543-3366
Fax: 415/543-6010
Email:

Mr. Piazza has successfully mediated over three thousand major disputes throughout the United States and internationally, including multi-party intellectual property, securities, contract, entertainment law, franchise, toxic tort, construction, personal injury and employment disputes.

In addition to dispute resolution, Mr. Piazza facilitates the negotiation of business transactions, in situations in which a deal may be in jeopardy as a result of impasse on specific issues, or where time deadlines require acceleration of negotiation.

Types of Cases Mediated

- ▶ Business
- ▶ Construction
- ▶ Contracts
- ▶ Employment
- ▶ Entertainment
- ▶ Intellectual Property
- ▶ Personal Injury
- ▶ Securities
- ▶ Torts

ACCTM Member since 2000

Background

Mr. Piazza teaches seminars in mediation and negotiations for corporations, trade associations, and public and private agencies and Continuing Legal Education Programs for lawyers and Judges. He has appeared as a speaker at meetings of the A.B.A. and local Bar Association sections. He holds a third degree black belt in Aikido --a Japanese martial art based on principles of resolving conflict without escalating violence -- and has taught this art since 1976.

Education/Training

Mr. Piazza is a graduate of the New York University School of Law and has been a member of the California State Bar since 1974.

MICHAEL W. MALTER
HEINZ BINDER
GAYLE ZICKGRAFF GREEN
ROBERT G. HARRIS
JULIE H. ROME-BANKS
DAVID B. RAO
C. LAINE LUCAS
WENDY W. SMITH
ROYA SHAKOORI

NAN L. CORBER
PARALEGAL

BINDER & MALTER, LLP
ATTORNEYS AT LAW

2775 PARK AVENUE
SANTA CLARA, CA 95050

Please reply to:
P.O. Box 28461
San Jose, CA 95159-8461

TELEPHONE (408) 295-1700
FACSIMILE (408) 295-1531

July 3, 2007

Via Electronic and U.S. Mail

jlyonsch@skadden.com

John Lyons
Skadden, Arps, Slate & Meagher
333 West Wacker Drive
Chicago, IL 60606

**Re: In Re Delphi;
Patent claims of Technology Properties Limited**

Dear John:

I am writing you once again in an effort to initiate discussions regarding the claim of Technology Properties Limited ("TPL") arising from Delphi's likely infringement on a group of patents known as the Moore Microprocessor Patent Portfolio (the "MMP Portfolio").

I am also bringing to your attention a recent ruling in the Eastern District of Texas, in the case of Technology Properties Limited et al. v. Matsushita Electronic Industrial Co., et.al. Case No. 2-05-CV-494, posted on that docket on June 15, 2007. This is a patent infringement action by TPL regarding the MMP Portfolio. This order was the result of a hearing, commonly known as a "Markman Hearing," at which the Court determined the construction of certain key terms in the MMP Portfolio patents. The Texas Court interpreted over 25 separate terms used in the patents, almost all of them in favor of TPL. I am enclosing a copy of the press release and a copy of the decision itself. I suggest you direct this to the Delphi patent counsel for immediate consideration. Having succeeded at the Markman Hearing, TPL will be proceeding in its patent infringement action against Matsushita, Toshiba, and NEC in the District Court.

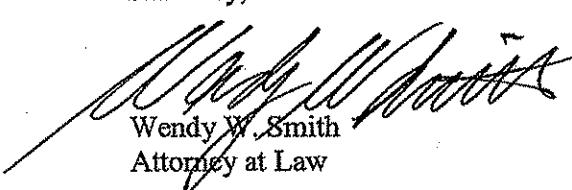
I am enclosing another copy of my December 19, 2006 letter. I once again urge Delphi to begin these discussions as the size of the claim and the likelihood of its success will certainly impact any effort of Delphi to confirm a Chapter 11 reorganization plan. (See e.g. *In Re Harbin (Sherman V. Harmon)* 2007 C.D.O.S. 5017 (9th Cir. 2007.)

J. Lyons
July 3, 2007
Pg. 2

If Delphi declines to mediate, then I believe you and I must conduct a Rule 26(f) conference regarding discovery issues.

I look forward to hearing from you.

Sincerely,



Wendy W. Smith
Attorney at Law

WWS/jmm
Client
Encls.

F:\Clients\TPL-Delphi\Cont\Lyons062707.doc

Wendy Smith

From: Wendy Smith
Sent: Thursday, September 13, 2007 4:26 PM
To: 'Lyons, John'
Cc: Heinz Binder; Wendy Smith
Subject: Delphi-Technolgy Properties Notice
Attachments: Notice 7-05.pdf

John,

Thank you for your call.

I look forward to hearing from you regarding your setting up a meeting between our principals to negotiate a solution to this matter. As I mentioned, my clients are willing to go to Chicago, or Michigan, to discuss this and can do so on quite short notice.

Regarding the question of when Delphi received notice of the potential infringement, I am attaching the letter to which I referred in our conversation. It was sent in July of 2005. It also refers to an earlier notice, from the predecessor-in-interest, in early 2004. I do not have a copy of that earlier notice but am trying to get it. I also recall that before the petition was filed, Delphi had set up a meeting with Technology Properties to discuss licensing.

I will provide you with available dates shortly.

Regards

Wendy W. Smith
Binder & Malter, LLP
2775 Park Avenue
Santa Clara CA. 95050
(408) 295-1700

CONFIDENTIALITY:

This e-mail and any attachments hereto is intended only for use by the addressee(s) named herein and may contain legally privileged and/or confidential information. If you are not the intended recipient of this e-mail, you are hereby notified that any dissemination, distribution or copying of this e-mail, and any attachments thereto, is strictly prohibited. If you have received this e-mail in error, please immediately notify me by telephone at (408)295-1700 and permanently delete the original and any copy of any e-mail and printout thereof.

Not Intended as a Substitute for a Writing

Notwithstanding the Uniform Electronic Transaction Act or the applicability of any other law of similar substance or effect, absent an express statement to the contrary hereinabove, this e-mail message, its contents and any attachments hereto are not intended to represent an offer or acceptance to enter into a contract and are not otherwise intended to bind this sender, Binder and Malter LLP, any of its clients, or any other person or entity.

Exhibit D-4

Wendy Smith

From: Wendy Smith
Sent: Thursday, September 13, 2007 10:32 AM
To: Lyons, John
Cc: Heinz Binder
Subject: Delphi-Technology Properties Limited claim

John,

I have not heard from you in response to my recent letter, only received the motion to cap the claim at zero. I called again this morning without success.

I understood from our conversation in August that the Debtor intended to negotiate this.

I must remind you that this is not a minor issue. In the last two years the following companies have purchased licenses to use the MMP Portfolio: HP, Casio, Fujitsu, Sony, Nikon, Seiko Epson, Pentax, Olympus, Kenwood, Agilent, Lexmark, Schneider Electric, NEC Corporation, Funai Electric, SanDisk, Sharp Corporation, Nokia, Bull, LEGO Group, and Denso Wave. Many of these are not manufacturers of chips at all. Lego makes toys, as you know. There can be no question that a valid claim for infringement against Delphi exists here, and that such infringement is continuing.

Finally, the three-ring binder I sent two weeks ago contains a detailed analysis of several Delphi products that are believed to be infringing, including a compact disc containing Delphi's own product manuals with evidence of such infringing use. Delphi has never provided any response to this claim, not even the list of manufacturers from which Delphi purchases chips, as you promised.

As I have stated repeatedly, my client believes the matter can be settled.

Please call me.

Wendy W. Smith
Binder & Malter, LLP
2775 Park Avenue
Santa Clara CA. 95050
(408) 295-1700

CONFIDENTIALITY:

This e-mail and any attachments hereto is intended only for use by the addressee(s) named herein and may contain legally privileged and/or confidential information. If you are not the intended recipient of this e-mail, you are hereby notified that any dissemination, distribution or copying of this e-mail, and any attachments thereto, is strictly prohibited. If you have received this e-mail in error, please immediately notify me by telephone at (408)295-1700 and permanently delete the original and any copy of any e-mail and printout thereof.

Not Intended as a Substitute for a Writing

Notwithstanding the Uniform Electronic Transaction Act or the applicability of any other law of similar substance or effect, absent an express statement to the contrary hereinabove, this e-mail message, its contents and any attachments hereto are not intended to represent an offer or acceptance to enter into a contract and are not otherwise intended to bind this sender, Binder and Malter LLP, any of its clients, or any other person or entity.

Exhibit D-5